

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**  
**Office of Adult Education (Kentucky Skills U)**  
**(Amendment)**

**13 KAR 3:010. GED® Testing Program.**

RELATES TO: KRS 151B.403 [~~KRS 164.0064(1)(a)~~]

STATUTORY AUTHORITY: KRS 151B.403 [~~KRS 164.0064(1)(a)~~], 151B.408 [~~164.0234~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.408 [~~KRS 164.0234(1)~~] requires the Kentucky Skills U [~~Adult Education~~] Program to promulgate necessary administrative regulations and administer a statewide adult education [~~and literacy~~] system. KRS 151B.408 [~~KRS 164.0064~~] requires that a high school equivalency diploma be issued upon passage of the test given by the Kentucky Skills U [~~Adult Education~~] Program [~~Program's~~] approved testing centers in conformance with requirements of the GED® Testing Service and authorizes Kentucky Skills U [~~Adult Education~~] to establish fees for the issuance of a duplicate high school equivalency diploma and for issuance of a duplicate transcript. This administrative regulation establishes the procedure for testing an adult for the GED® diploma.

Section 1. Test Purpose. The GED® test shall provide a valid means of measuring the educational achievement of an adult who is a non-high school graduate and of comparing the adult's competency to that of high school graduates. The test shall cover:

- (1) Writing;
- (2) Social studies;
- (3) Science;
- (4) Reading; and
- (5) Mathematics.

Section 2. Test Centers. Official GED® testing centers shall be established under agreement with the GED® Testing Service. Kentucky Skills U [~~Adult Education~~] shall authorize the location of these centers so that they provide applicants with sufficient access and are able to meet the expected testing volume.

Section 3. Test Scores. In order for an applicant to be issued a Commonwealth of Kentucky High School Equivalency Diploma and an official GED® transcript, an applicant shall achieve the minimum passing standard on the Official GED® test as set by GED® Testing Service.

Section 4. Commonwealth of Kentucky High School Equivalency Diploma. Kentucky Skills U [~~Adult Education~~] shall provide a high school equivalency diploma to an applicant who meets all the provisions of this administrative regulation and the eligibility requirements established by 13 KAR 3:050.

Section 5. Test Fees. (1) The GED® test shall be offered at official GED® testing centers at a fee set and collected by GED® Testing Service.

(2) A request for a duplicate transcript or diploma from Kentucky Skills U [~~Adult Education~~] shall:

- (a) Be in writing;
- (b) Carry the signature, birth date, and Social Security number of the test-taker; and
- (c) Be accompanied by the payment of:

1. A fifteen (15) [~~ten (10)~~] dollar processing fee assessed for the issuance of a duplicate transcript request; or
2. A thirty (30) [~~twenty-five (25)~~] dollar fee assessed for the issuance of a duplicate diploma, to include a duplicate transcript.

JOHN C. GREGORY, Executive Director

For JACQUELINE COLEMAN, Secretary

APPROVED BY AGENCY: August 4, 2021

FILED WITH LRC: August 4, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at October 26, 2021, 1:00 p.m. at 500 Mero Street, 1st Floor, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on October 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Natalie Cummins, GED® Administrator, Office of Adult Education (Kentucky Skills U), 500 Mero Street Mail Stop 5SC, Frankfort Kentucky 40601; phone 502-892-3021; email Natalie.Cummins@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Natalie Cummins

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure for testing an adult for the GED® diploma and for collecting fees associated with issuing duplicate educational credentials.

(b) The necessity of this administrative regulation: KRS 151B.408 requires the Kentucky Skills U Program to promulgate necessary administrative regulations and administer a statewide adult education system. KRS 151B.403 requires that a high school equivalency diploma be issued upon passage of the test given by Kentucky Skills U Program approved testing centers in conformance with requirements of the GED® Testing Service and authorizes Kentucky Skills U to establish fees for the issuance of a duplicate high school equivalency diploma and for issuance of a duplicate transcript.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The relevant statutes require the promulgation of this administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation currently assists with the establishment of the GED® exam for high school equivalency and for the collection of fees for duplicate educational documents.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment updates language to reflect Kentucky Skills U now being a part of the EWDC. It also updates the fees associated with duplicate educational documents.

(b) The necessity of the amendment to this administrative regulation: KYSU no longer resides within the Council on Postsecondary Education. Language changes are necessary to reflect inclusion in the EWDC.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment still conforms with the content of the authorizing statutes. It has not been substantively changed.

(d) How the amendment will assist in the effective administration of the statutes: This amendment aligns language to reflect existing structures.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Recipients of the GED® (past and present), colleges performing educational record searches, employers performing educational record searches.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: GED® test-takers will have to adhere to the requirements of the administration of the GED® exam. Credential recipients and those requesting credentials will have to comply with document request procedures and payment submission.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost of the GED® exam is determined through GED Testing Service/Pearson VUE. At present, the exam costs \$30 per section (4 sections). Replacement credentials will increase in price to \$15 per transcript and \$30 per duplicate diploma (to include a transcript).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The benefits are consistent with previous versions of this regulation. Entities receive the high school equivalency diploma and proof thereof.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This regulation is already administered. There is no additional cost.

(b) On a continuing basis: This regulation is already administered. There is no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Office of Adult Education receives Title II Workforce Innovation and Opportunity Act funding (through the Adult Education and Family Literacy Act) and funding through Senate Bill 1 (2000) from the Commonwealth of Kentucky. The funds raised through this regulation are self-sustaining the process of administering the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation increases the fee associated with the issuance of duplicate educational credentials.

(9) TIERING: Is tiering applied? No.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Office of Adult Education (Kentucky Skills U) and the Skills U programs that are recipients of OAE funding.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 151B.403 151B.408; Workforce Innovation and Opportunity Act (Adult Education and Family Literacy Act).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Approximately \$150,000.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Approximately \$150,000 per year.

(c) How much will it cost to administer this program for the first year? There will be minimal impact on the cost of administering this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? There will be minimal impact on the cost of administering this administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: